North Central Regional Transit District ("NCRTD")

Resolution 2008-11

COMMITTING THE NCRTD TO PROVIDE COUNTY OF SANTA FE WITH 86% OF THE REVENUE DERIVED FROM 1/16 OF ONE PERCENT OF THE PROPOSED COUNTY REGIONAL TRANSIT GROSS RECEIPT TAX LEVIED IN SANTA FE COUNTY IF APPROVED AT THE NOVEMBER 4, 2008 GENERAL ELECTION

WHEREAS, the NCRTD was created through an intergovernmental agreement pursuant to the Regional Transit District Act, NMSA 1978, Sections 73-25-1 *et seq.* (chapter 65, signed March 21, 2003)(hereinafter referred to as "the Act"); and,

WHEREAS, pursuant to the Act, the NCRTD is a political subdivision of the State of New Mexico; and,

WHEREAS, the NCRTD was approved and certified by the New Mexico Department of Transportation Commission September 14, 2004; and,

WHEREAS, NMSA Section 7-20E-23 (2004)(as amended) authorizes the NCRTD to pass a resolution directing counties within the NCRTD to adopt identical ordinances calling for a joint election to impose a gross receipts tax not to exceed one-half percent known as the county regional transit gross receipts tax; and,

WHEREAS, if a majority of the voters in the NCRTD voting in the election vote in favor of imposing the county regional transit gross receipts tax, the revenue generated by each county in the NCRTD shall be dedicated and transferred to the NCRTD for the purposes authorized by the Regional Transit Act NMSA Section 73-25-1; and,

transferred to the NCRTD for the purposes authorized by the Regional Transit Act NMSA Section 73-25-1; and,

WHEREAS, both the County of Santa Fe and the City of Santa Fe recently withdrew from the NCRTD because of concerns about the adequacy of funding to provide reasonable transit connections to and from the Rail Runner project;

WHEREAS, in an effort to encourage the City and County of Santa Fe to rejoin as members of the NCRTD, so as to solve the transit needs of the northern counties on a regional basis rather than local basis as contemplated by the Regional Transit Act, the NCRTD is willing to do the following:

A. The NCRTD is willing to provide to the Rio Metro Regional Transit District (hereinafter referred to as "RMRTD"), as the managing agency, funds equivalent to the revenue raised by a one sixteenth of one percent Gross Receipts Tax levied in Santa Fe County to fund the operation of the Rail Runner;

B. The NCRTD is willing to provide Santa Fe County with funds equivalent to eighty-six percent (86%) of the revenue raised by a one sixteenth of one percent Gross Receipts Tax levied in Santa Fe County. With the funds so provided, the NCRTD is willing to agree that Santa Fe County may contract with the NCRTD, the City of Santa Fe, the RMRTD, the NMDOT or a third party, to provide connecting transportation to and from the Rail Runner within the County and to meet transit needs within Santa Fe County and the City of Santa Fe; and

C. The NCRTD is willing to accept the remaining fourteen percent (14%) of the revenue raised by a one sixteenth of one percent Gross Receipts Tax levied in Santa Fe County to be used by the NCRTD for providing connecting service from all member entities in the District to the Rail Runner, including all applicable NCRTD overhead and administrative costs; and

WHEREAS, the NCRTD presently serves an estimated ridership in excess of 1,000 persons in Northern Santa Fe County monthly, which includes the Pueblos of Tesuque, Pojoaque, Santa Clara, San Ildefonso, along with the Villages of Chimayo, La Puebla, and Arroyo Seco.

NOW, THEREFORE, BE IT RESOLVED by the NCRTD, as follows:

1. The NCRTD agrees to execute a Joint Powers Agreement by and between the NCRTD, the RMRTD and the New Mexico Department of Transportation that provides that the NCRTD will provide to the RMRTD,

as managing agency, funds equivalent to the revenue raised by one sixteenth of one percent of the County Regional Transit Gross Receipts Tax levied in Santa Fe County, to fund the operation of the Rail Runner.

2. The NCRTD agrees to provide to Santa Fe County, funds equivalent to eighty-six percent (86%) of the revenue raised by one sixteenth of one percent of the County Regional Transit Gross Receipts Tax levied in Santa Fe County. With the funds so provided, the NCRTD agrees that Santa Fe County may contract with the NCRTD, the City of Santa Fe, the RMRTD, the NMDOT or a third party, to provide connecting transportation to and from the Rail Runner within the County and to meet transit needs within Santa Fe County and the City of Santa Fe.

3. The NCRTD agrees to use the remaining fourteen percent (14%) of the revenue raised by one sixteenth of one percent of the County Regional Transit Gross Receipts Tax levied in Santa Fe County, to provide connecting service from all member entities in the District to the Rail Runner, including all applicable NCRTD overhead and administrative costs.

PASSED, APPROVED AND ADOPTED BY THE GOVERNING BODY OF THE NORTH CENTRAL REGIONAL TRANSIT DISTRICT ON THIS 25th DAY OF JULY 2008.

Councilor Alfred Herrera,
NCRTD Vice-Chair

Approved as to form:

Mark A. Basham, Counsel